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EXAMINER

ROBERTSON, DAVID

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/447,259

Applicant(s)

MARKS ET AL.

Examiner

Dave Robertson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/23/02.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40,43-88 and 91-102 is/are pending in the application.
- 4a) Of the above claim(s) 10-39 and 58-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,40-57 and 88-102 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to amendments filed 5/22/2002 and 11/23/2002.

The earlier filed amendment was responded to in the final office action mailed 07/15/2002. In the later filed amendment-after-final, Applicant admits error and corrects inconsistencies between the marked-up and clean versions of the amended claims in the earlier amendment (compare claims 1 and 49 marked-up version to 1 and 49 in clean version). Applicant argues that the Examiner did not fairly consider the amendment as intended given the clean version of the claims and the remarks directed to the point of error.

Examiner concedes that Applicant has made a reasonable argument and that it would be fair, as well as further prosecution on the merits as opposed to formalities, to issue a second action based on the (now) consistently amended claims. Examiner further accepts that the claims as additionally amended seek to emphasize the point of error (expert selected by the user) as opposed to introducing substantially new scope to the claims. Note, however, that the earlier filed amendment introduced new scope to the claims and added claims from those of the first office action.

Therefore, the amendment-after-final filed 11/23/2002 has been entered and considered in conjunction with the earlier filed amendment, and a supplemental office action prepared with a new three-month time for reply. As stated in the office action of 07/15/2002, amendments to and addition of claims in the earlier filed amendment constituted grounds for new search and consideration, the final action over new grounds of rejection was proper, and thus the supplemental office action on the merits will be made final. See MPEP § 706.07(a).

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2. In summary, claims 41, 42, 89, and 90 are cancelled; claims 1, 7, 40, 49, 55, and 88 are amended; and claims 97-102 are added (97 and 98 as amended). Applicant has amended the claims to further define the answer and refer aspects of the invention and to claim *display of multiple questions on the expert interface* and to emphasize *expert selection by the user*.

Amendments constitute grounds for new search and consideration.

3. Objection to claims 7, 40, and 98 over typographical errors are withdrawn per amendment.

Election/Restrictions

4. Applicant's election without traverse withdrawing from consideration claims 10-39 and 58-87 in Paper No. 7 (5/22/02) is acknowledged. Claims 1-9, 40-57 and 88-102 are pending.

Response to Arguments

5. Applicant's arguments filed 5/22/2002 and 7/15/2002 have been fully considered but they are not persuasive.

6. Applicant traverses rejection of claims 1-7, 40-46, 49-55, and 88-94 under 35 U.S.C. 102(b) as anticipated by Uyama. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. Certain of Applicant's arguments are addressed below as may be pertinent to rejection over the new grounds.

Applicant argues a difference between the present invention and Uyama by contrasting the manner of expert selection. It was not clear as of the last office action as to which specific limitation Applicant was referring; the particular manner of expert selection was not claimed nor was the particular feature of posting of the answers to "multiple fora". It is now understood that the manner of expert selection is *selected by the user* and this is addressed in the new rejections.

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As for “multiple fora”, Applicant claims posting answers to multiple *locations*, which could mean multiple topical indices or, as claimed, simply different expert-accessible locations. Furthermore, since Applicant admits that in Uyama “questions are directed based on the topic”, and since a topic defines a “fora”, the conceptual distinction made by Applicant between posting answers to a question in multiple fora and the directing of questions by topic is unclear. From the user’s perspective, users of Uyama access different “fora” by keyword resulting in a list of questions and answers pertinent to the user on a topic indicated by keyword.

Applicant argues *posting of a question in a location accessible to only one expert and collecting all of the experts questions in one place*”. This new limitation defines the feature of each expert having a separate location with exclusive access through the expert’s *personal interface*, through which the expert may view all questions. This is addressed in the new rejections.

Applicant argues Uyama fails to teach *expert driven referral of questions and posting of answers at substantially the same time*. As further defined in the amended claims, this referring and posting *at substantially the same time* better suggests the peer-review aspect of the invention. However, Uyama does teach *allow[ing] a consultant to transmit a difficult question he cannot answer...to another consultant...or to post the question to the electric bulletin board*. The feature of referring of questions and posting of answers *at substantially the same time* is addressed in the new grounds of rejection.

7. Applicant traverses rejection of claims 8, 9, 47, 48, 56, 57, 95 and 96 under 35 U.S.C. 103(a) as obvious over Uyama in view of Walker. However, Applicant argues patentability over the independent claims 1, 40, 49, and 88 as amended and traversed over Uyama alone.

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Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-9, 40-57, and 88-96** are rejected under 35 U.S.C. 103(a) as being unpatentable over Uyama (US 5819267 A) in view of Dworkin (US 6026148 A) and further in view of Walker (US 5862223 A).

As to **claim 1**, in reference to the claimed invention, Uyama discloses:

Claimed invention:

1. A method, executed by a server, for providing answers on one or more topics from a set of experts on each topic to questions posed by users in communication with client interfaces, the server being in communication with the client interfaces and the set of experts, and the method comprising:

receiving at the server a question received from a user via one of the client interfaces;

receiving a command from the selected expert in response to the question;

and executing the command from the selected expert automatically.

Reference discloses:

Networked, knowledge-based information posting and retrieval having user question and expert selection and response to questions by users posting to central database (see at least abstract).

Receiving a question from a user (see at least column 2, lines 54-60).

Processing a reply automatically from an expert (consultant) (see at least column 3, lines 20-22). Processing replies inherently involves a command from the selected expert (the consultant answering the question)

However, Uyama does not expressly teach routing the question to one of the experts, wherein said routing the question comprises displaying the question with other questions for said

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one of the experts on the personal expert interface of said one of the expert; nor does Uyama expressly teach routing the question to one of the experts selected by the user.

As to displaying on a user interface multiple questions for an expert respondent in an expert advice system, Dworkin teaches the presentation of multiple questions to the user on the user interface (depicted by Figure 6). In Dworkin users and respondents use the same interface to select questions (col. 4, lines 23-31) and thus the respondents (the experts) are displaying questions routed to them along with *other questions*. Uyama suggests an “interface apparatus” including question/answering means described as a means to browse questions (column 9, line 66, to column 10, line 36). Dworkin merely teaches that such “browsing means” may allow the user/expert to select one of multiple questions for response by filtering the questions according to some topic (column 5, lines 7-20). It would have been obvious to one of ordinary skill at the time of the invention to display multiple questions on the interface apparatus of Uyama to facilitate question selection as taught by Dworkin. This would have provided a convenient means to browse questions directed to the expert, allowing the expert to select and answer questions on a particular topic, and thus focus and concentrate his or her responses to questions on a selected topic in one online session, thereby improving the quality of the responses.

As to routing the question to one of the experts *selected by the user*, Walker teaches experts selected by the user in that the *user can select and review the qualifications of the experts and choose the expert or experts that he feel most comfortable with* (Walker column 8, lines 47-55) and Dworkin also teaches that a *user could be given the opportunity to direct a question to an expert of his or her choice* (Dworkin, column 7, lines 10-11). Uyama suggests such user selection of an expert by describing how the *item-consultants list* could be used, in the manner of

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the prior art system OLC, for a user to *directly and interactively question a consultant who is entered in an item-consultant list* without using the article referring means (Uyama, column 3, lines 41). Given the state of the art prior to the time of the present invention as reflected by Walker and Dworkin and suggestion by Uyama (in relation to the prior art OLC) it would have been obvious to one of ordinary skill at the time of the invention to allow the selection of experts by the user. The user would thus be able to direct questions on a particular subject, to an expert with particular qualifications and experience, or simply to an expert known to provide good answers, thereby increasing the users confidence in getting an accurate and useful response to questions.

As to **claim 2**, Uyama discloses:

routing the question to one of the experts includes identifying the selected expert by identification information provided by the user with the question.

An item-consultant list in which consultants are identified as specialist by the subject area of the users' questions (see at least column 2, lines 8-19).

As to **claim 3**, Uyama discloses:

routing the question to one of the experts includes posting the question in a location accessible to the experts.

Entering the question to the item-article list after routing to an expert that could not answer the question (see at least column 2, lines 54-67).

As to **claim 4**, Uyama discloses:

receiving a command includes receiving a command to post an answer to the question.

Replies from consultants (experts) automatically posted to the list of know-how articles (see at least column 3, lines 16-24). Processing replies inherently involves a command from the selected expert (the consultant answering the question)

As to **claim 5**, Uyama discloses:

receiving a command to post an answer

Know-how articles from consultant

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includes receiving a command to post the answer in more than one location.

(expert) replies distributed to other know-how management apparatuses such as Newsgroups (see at least column 2 lines 30-54) thus posting to more than one location. Processing replies inherently involves a command from the selected expert.

As to **claim 6**, Uyama discloses:

receiving a command includes receiving a command to refer the question to another one of the experts.

Referral of questions automatically by article posting means (see column 2, lines 64-67) and by expert to another expert (see column 3, lines 37-41).

As to **claim 7**, Uyama discloses:

receiving a command includes receiving a command to post an answer to the question and refer the question to another one of the experts at substantially the same time.

Referral of questions automatically by article posting means (see column 2, lines 64-67) and by expert to another expert (see column 3, lines 37-41). Processing a reply inherently involves a command from the selected expert.

However, Uyama does not expressly teach posting an answer to the question and referring the question to another one of the experts *at substantially the same time*.

Uyama teaches that the feature of *allowing a consultant to transmit a difficult question he cannot answer...to another consultant or post[ing] the question to [a] bulletin board* was old and well known at the time of the present invention (column 3, lines 37-40, as embodied by the prior art "OLC"). Dworkin describes a system that allows a user to post an answer to a question for [at least] one other expert participating in the Medical Experts' Group Forum to review (for the benefit of second opinion or further knowledge). Thus, Dworkin meets the claimed limitation of simultaneously (*at substantially the same time*) posting an answer and referring the question (and answer) to (at least) another one of experts. Given that Uyama suggests the two

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dispositions of a question (posting or referring) and that Dworkin teaches such simultaneous capability to post and refer, it would have been obvious to one of ordinary skill at the time of the invention to incorporate both post and refer into Uyama. This would have provided the inherent capabilities of question/answer second-opinion review as in Dworkin to the basic expert-user interaction of Uyama, enabling expert respondents to simultaneously answer users requests and to obtain additional input from other experts, thereby providing an initial answer and second opinion from a more qualified expert.

As to **claims 8 and 9**, Uyama does not expressly disclose:

receiving a command includes receiving a command to edit an answer to a previous question.

As to receiving commands to edit answers, official notice is taken that it was old and well known in the art at the time of the invention to allow editing of answers posted to a database such as a know-how database or more commonly a knowledge base of answers and that such systems existed at the time of the present invention having such feature. Uyama suggests the improvement by pointing out that "know-how changes with time" which may require updates to previous answers posted to the know-how database. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to provide editing of the answers to update knowledge and to allow for the correction of errors to maintain the integrity of the know-how database.

As to **claim 9** Uyama does not expressly disclose:

attachments relevant to an answer are appended to the answer and wherein

As to adding attachments to the answer, Walker teaches the use of email as a communication means between expert and user in an expert question/answer system such as taught by Uyama and disclosed by the instant invention. It was old and well known in the art at the time of the invention to attach files of additional materials images, documents, and multimedia files to emails to supplement the information provided in text form. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to provide attachments to experts' answers to supplement the response by email as suggested by Walker with additional information to thereby provide a more valuable answer to the user.

As to **claim 40**, Uyama discloses:

Claimed invention:

40. A method for providing answers on one or more topics from a set of experts on each topic to questions posed by users via client interfaces in communication with a server and with the set of experts, the method comprising:

receiving at one of the client interfaces a question on the selected topic;

transmitting the question from the client interface to the server;

receiving a command at the server from the selected expert in response to the question;

and executing the command from the selected expert automatically.

Reference discloses:

Networked, knowledge-based information posting and retrieval having user question and expert selection and response to questions by users posting to central database (see at least abstract).

See Figure 3 and related discussion on client user interface for entering questions.

Transmitting a question to an expert (see at least column 2, lines 54-60)

Processing a reply automatically from an expert (consultant) (see at least column 3, lines 20-22). Processing replies inherently involves a command from the selected expert (the consultant answering the question)

However, Uyama does not expressly teach

routing the question to a plurality of experts, at least one of them selected by the user, by posting the question in a plurality of locations wherein each of said locations

Routing a question to an expert (see at least column 2, lines 8-29, and column 2, lines 54-60)

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is accessible to only one expert of said set of experts;

Uyama discloses routing a question to an expert (see at least column 2, lines 8-29, and column 2, lines 54-60). In Uyama the transmitting of a question to an expert (consultant) results in the question being placed in the experts receive area (a location accessible to only one expert). Examiner takes official notice that it was old and well known in the art at the time of the invention to route the question in an expert server system to a plurality of experts (see *Walker, Lauffer, Stephanou*, previously cited prior art of record. Each of these references discusses routing a question to multiple selected experts and discloses each expert private access to their questions). Routing the question to multiple experts would have allowed multiple responses thereby improving the quality of the overall response to the user and the options available to the user from multiple expert responses.

As to routing the question to one of the experts *selected by the user*, Walker teaches experts selected by the user in that the *user can select and review the qualifications of the experts and choose the expert or experts that he feel most comfortable with* (Walker column 8, lines 47-55) and Dworkin also teaches that a *user could be given the opportunity to direct a question to an expert of his or her choice* (Dworkin, column 7, lines 10-11). Uyama suggests such user selection of an expert by describing how the *item-consultants list* could be used, in the manner of the prior art system OLC, for a user to *directly and interactively question a consultant who is entered in an item-consultant list* without using the article referring means (Uyama, column 3, lines 41). Given the state of the art prior to the time of the present invention as reflected by Walker and Dworkin and suggestion by Uyama (in relation to the prior art OLC) it would have been obvious to one of ordinary skill at the time of the invention to allow the selection of experts by the user.

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The user would thus be able to direct questions on a particular subject, to an expert with particular qualifications and experience, or simply to an expert known to provide good answers, thereby increasing the users confidence in getting an accurate and useful response to questions.

Claims 41-46 are substantial parallels of the method steps of claims 2-7 and are therefore rejected for aforementioned reasons.

Claim pairs 47 and 48, 56 and 57, and pair 95 and 96 are substantially similar to claims 8 and 9, reciting the editing and attachment features of the invention and are similarly rejected for aforementioned reasons.

As to **claim 49**, Uyama discloses:

Claimed invention:

49. A server for providing answers on one or more topics from a set of experts on each topic to questions posed by users in communication with client interfaces, the server being in communication with the client interfaces and the set of experts and comprising:

a question receiving component configured to receive at the server a question received from a user via one of the client interfaces;

a command receiving component configured to receive a command from the selected expert in response to the question;

and an executing component configured to execute the command from the selected expert automatically.

Reference discloses:

A server (see Figure 3 and related discussion on Data Management and Clipping Apparatuses) for carrying out the method providing answers on one or more topics on questions posed by users in communication with the client interfaces (see Figure 3 Interface Apparatuses and related discussion).

See Figure 2 and related discussion teaching (prior art) know-how management apparatus (3) means receives Question from Interface apparatus.

See Figure 2 and related discussion teaching (prior art) know-how management apparatus (3) means receives answers (responses) from consultants.

See Figure 2 and related discussion teaching (prior art) question processing means receives questions and answers (responses) from consultants.

However, Uyama does not expressly teach routing the question to one of the experts, wherein said routing the question comprises displaying the question with other questions for said

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one of the experts on the personal expert interface of said one of the expert; nor does Uyama expressly teach routing the question to one of the experts selected by the user.

Obviousness of these features over Uyama in view of Dworkin and further in view of Walker is discussed in the rejection of claim 1 above.

Claims 50-55 are substantial parallels of the method steps of claims 2-7 and are therefore rejected for aforementioned reasons.

As to **claim 88**, Uyama discloses:

Claimed invention:

88. A system for providing answers on one or more topics from a set of experts on each topic to questions posed by users via client interfaces in communication with the server, the server comprising:

a question receiving component configured to receive at one of the client interfaces a question on the selected topic;

a transmitting component configured to transmit the question from the client interface to the server;

a command receiving component configured to receive a command at the server from one of the experts in response to the question;

and an executing component configured to execute the command from the selected expert automatically.

Reference discloses:

A method and apparatus for providing answers on one or more topics on questions posed by users in communication with the client interfaces.

See Figure 2 and related discussion teaching (prior art) know-how management apparatus (3) means receives Question from Interface apparatus.

See Figure 2 and related discussion teaching (prior art) know-how management apparatus (3) means receives Question from Interface apparatus.

See Figure 2 and related discussion teaching (prior art) know-how management apparatus (3) means receives answers (responses) from consultants.

See Figure 2 and related discussion teaching (prior art) know-how management apparatus (3) means receives questions and answers (responses) from consultants.

However, Uyama does not expressly teach:

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a routing component configured to route the question to said set of experts, at least one of them having been selected through the client interface, by posting the question in a plurality of locations, wherein each of said locations is accessible to only one expert of said set of experts;

See Figure 2 and related discussion teaching (prior art) know-how management apparatus (3) means routes question to consultant answering means.

Obviousness of this feature is discussed in the rejection of claim 40 above.

Claims 89-94 are substantial parallels of the method steps of claims 2-7 and are therefore rejected for aforementioned reasons.

New claims 97-102 are rejected for at least the reasons discussed above.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dave Robertson** whose telephone number is **(703) 306-5679**.

The examiner can normally be reached Mon 12:30p-8:30p T-Th 8:30a-8:30p Fri 8:30a-12:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703) 305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** at telephone number **(703) 305-39001113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 [Official communications]

(703) 305-7687 [After Final communications, labeled "**Box AF**"]

(703) 746-5552 [Informal/draft communications, directly to Examiner,
labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.

dcr



November 26, 2002



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